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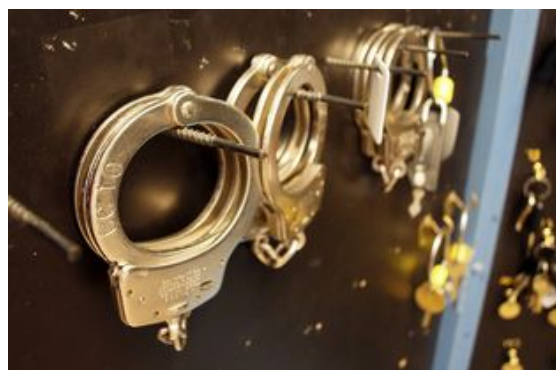
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## Climate-Controlled Swine Buildings Dismay Inmates' Advocates

by Elizabeth Koh | Aug. 16, 2013 | [15 Comments](#)



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Photo by H. Michael Karshis

\*Correction appended

In light of lawsuits alleging that the Texas Department of Criminal Justice failed to shield inmates from heat-related deaths, inmates' advocates are denouncing an agency contract to build six "climate controlled" buildings for pigs.

The building contract, which was awarded to Art's Way Scientific for \$750,000 June 25, will house sows and their new piglets for the first three weeks after birth, said TDCJ spokesman Bryan Collier. The agency breeds pigs for its agriculture program, which provides food for inmates across the state.

The plan for the swine buildings "is more designed for protecting the pigs than protecting the health of the prisoners," said Scott Medlock, director of the Texas Civil Rights Project's prisoners' rights program.

The Texas Civil Rights Project [filed lawsuits earlier this summer](#) accusing the agency of inadequately treating four prisoners who died from heat stroke. Though the prison agency provides air-conditioned areas in each prison, cooling is usually limited to solitary confinement, death row and medical facilities, Medlock said.

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“For the vast majority of prisoners — the guys who are there doing short-term sentences for nonviolent offenses — those guys are all housed in cells or dorms, where the only thing that’s being done to change the air temperature are fans,” Medlock said.

The buildings for the pigs will use ventilation systems “similar to what we do in our units,” Collier said, along with water misters. Though a Texas Civil Rights Project press release suggested otherwise, the pigs’ units are not air-conditioned, he added.

Medlock said water misters were not common in TDCJ prisons.

The agency currently has about 20,000 swine, and the cooling capabilities in the buildings are “consistent with any swine operation,” Collier said. “Pigs can’t sweat, and temperatures are critical when they are younger.”

According to the TDCJ website, the agency’s agribusiness division uses more than 6,000 offenders across the prison system to complete jobs like processing edible crops and packing meat.

Though Medlock acknowledged that cooling in these facilities could benefit workers, he said it would not benefit prisoners who need it the most.

“The people who are most at risk are prisoners who are not able to work anyway, like inmates with medical conditions” that make them more susceptible to heat, Medlock said. “The guys who are at risk of death from heat stroke ... wouldn’t benefit at all in working.”

Other inmates’ advocates have said the funding needed to cool inmates systemwide is out of the agency’s hands.

### HOW WILL THE LATEST PUBLIC POLICY DEBATE AFFECT YOU?

“TDCJ has nothing to do with the air conditioning until legislation comes forth and puts money out to do things,” said Robert Elzner, who sits on the Texas Inmate Families Association’s board of directors.

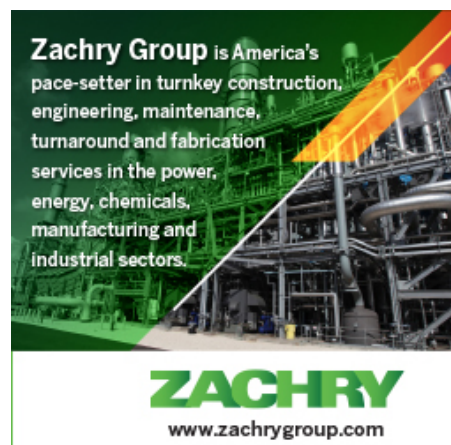
Retrofitting old building and paying air conditioning bills are “a huge expense” that the public is not willing to foot, Elzner added. The agency is “just trying to maintain their head above water,” he said.

TDCJ officials have [previously said](#) they believe the public is unwilling to fund air conditioning for inmates.

Medlock said the Texas Civil Rights Project would continue to litigate the ongoing lawsuits in response to the contract. The TDCJ believes “protecting these pigs that are destined to be slaughtered is more important” than taking care of inmates who will eventually be released,” he added.

A representative for the vendor Art’s Way Scientific could not be reached for comment.

*Editor’s note: This story has been corrected to reflect that water misters*

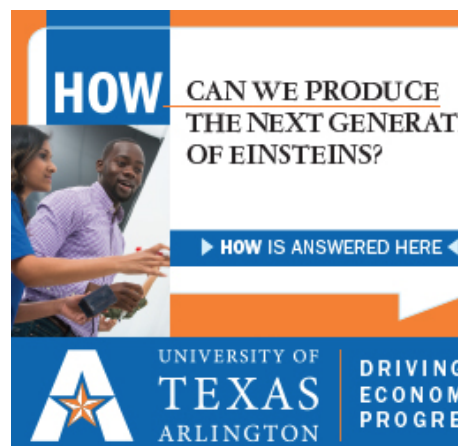


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*are not used to cool TDCJ inmate cells.*

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## Failure to communicate

There are practical reasons to cool things off a bit in Texas' prisons during the summer.

Copyright 2014: Houston Chronicle Updated 9:45 am, Monday, April 28, 2014



File - In this Sept. 21, 2011 file photo, a corrections officer keeps watch outside the Texas Department of Criminal Justice Huntsville Unit in Huntsville, Texas. (AP Photo/David J. Phillip, File)

State Sen. **John Whitmire**'s comments about whether Texas prison inmates should be allowed to live in air-conditioned facilities would seem to suggest that he's auditioning for a remake of the classic "Cool Hand Luke." Whitmire would be Captain, the sadistic prison warden obsessed with breaking the likeable rebel, **Luke Jackson**, played by **Paul Newman**.

"We need to have a grown-up discussion of what's practical and reasonable and what's politically acceptable," said the Houston Democrat, who's both dean of the Senate and the long-serving chairman of the **Senate Criminal Justice Committee**. "But

I can tell you, the people of Texas don't want air-conditioned prisons, and there's a lot of other things on my list above the heat. It's hot in Texas, and a lot of Texans who are not in prison don't have air conditioning."

Maybe what we have is a failure to communicate, but Whitmire's comments don't sound like the beginnings of a grown-up discussion. They sound more like political posturing.

Certainly, no one is interested in coddling prisoners, but there are practical reasons to cool things off a bit during the Texas hot summers. For one thing, inmates are just that, inmates. They can't open a window or go outside to catch a cool breeze. As a new report by the University of Texas School of Law's Human Rights Clinic concluded, high temperatures inside the state's prisons is tantamount to cruel and unusual punishment.

At least 14 Texas inmates have died because of exposure to extreme heat since 2007, prison reports and court filings show.

In addition, prisoners aren't the only ones in the prison system having to live with the stifling heat. **Lance Lowry**, president of a **Huntsville union** that represents some of the state's more than 26,000 correctional officers, told the Chronicle's Mike Ward that prison employees increasingly fall victim to overheated conditions. He said the heat makes it difficult to hire and retain guards. It's not hard to see why.

What's likely to happen - and this would get the Captain (er, Whitmire) off the hook - is that the federal courts will step in and order changes, just as they did when the state resisted reforms in the landmark Ruiz prison rights case four decades ago. A court likely would note, in addition to the danger of extreme heat on the general prison population, that inmates taking heat-sensitive drugs, such as psychotropic medications for mental health patients, are particularly at risk when temperatures soar. Doctors say the drugs can cause dangerous side effects, possibly even death, when patients become overheated.

The prison system's medical director told the Chronicle that about 25,000 of the state's 150,000 inmates have mental health issues. Nearly 80 percent of those are taking heat-sensitive drugs, although prison officials say they are closely monitored by

doctors.

We know, as does Whitmire, that many Texans expect their prisons to be houses of punishment, not penitentiaries where some rehabilitation might occur. They believe that life in an un-air conditioned facility during a hot Texas summer is merely part of the punishment an inmate should expect. Forget air conditioning; anyone who ends up in prison should be grateful he or she has a mattress to sleep on.

That's not how a humane society works. Whitmire, who has been a leader over the years on any number of criminal justice issues, needs to take the lead on this issue, as well. Sometimes a public official has to do the right thing, regardless of popular opinion.

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**H E A R S T**





**The New York Times** | <http://nyti.ms/OMQn0b>

The Opinion Pages | EDITORIAL

# Heat Exhaustion in a Texas Prison

AUG. 8, 2012

For much of the summer of 2008, temperatures in Beeville, Tex., soared above 90 degrees. For almost two weeks, the heat index was 130 degrees or higher, in what scientists consider the “extreme danger” range, when the risk of heat stroke is imminent.

The heat was stultifying inside the C-8 dormitory of the Texas state prison in Beeville, which housed 54 men. The unit did not have any air-conditioning and the windows were sealed tight. Eugene Blackmon, an inmate, then about 63 years old with high blood pressure, said that the warden and others also turned on the unit’s heaters — and then failed to respond to numerous grievances he filed about the heat and its terrible effects on his health.

Last week, a three-judge panel of the United States Court of Appeals for the Fifth Circuit convincingly ruled that Mr. Blackmon could sue the warden and his team for endangering his health and violating constitutional protections against cruel and unusual punishment. The Supreme Court has long said that while the Constitution “does not mandate comfortable prisons,” officials “must provide humane conditions of confinement.”

That includes protecting inmates from heat exhaustion, which can lead to headaches, nausea and other symptoms that Mr. Blackmon suffered. The prison said

it provided relief to inmates as the appeals court required in a 2004 case: iced water, extra showers and fans. But often the prisoners did not have enough iced water, shower time or working fans.

A federal trial court rejected Mr. Blackmon's lawsuit, saying there was no proof the heat in the prison caused health risks to anyone. The appeals court, however, found that there was a lot of proof that Mr. Blackmon's health was severely affected. He certainly deserves the chance to convince a jury.

A version of this editorial appears in print on August 9, 2012, on page A22 of the New York edition with the headline: Heat Exhaustion in a Texas Prison.

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# NEWS MESSENGER

## Neither prisoners nor pigs should get air conditioning

Aug. 22, 2013 at 10 p.m.

Last weekend a statewide story broke over the fact that the Texas prison system is purchasing three climate controlled barns in which to keep swine for \$750,000 while refusing to put air conditioning in Texas prisons, where temperatures often soar.

We'll get to the hogs later.

Last year, the Austin American-Statesman story said, about 20 deaths in prisons were related to the heat and, for a fact, the prisoners are the only ones who have trouble. Prison guards also complain about having to work in facilities where summer temperatures can hit 120 degrees.

The prisons are equipped with fans so there is air movement, but fans are not going to reduce the temperatures, just make them a bit more bearable.

We're sorry for the heat, really, but the fact is that millions of people in Texas do not have air conditioning and many of them are senior citizens who are homebound, unable to leave.

And they haven't even broken the law.

We don't favor retro-fitting the state's prisons with air conditioning, a project that would cost millions upon millions of dollars. This state has already spent far too much money on our prison system as it is. We do not need to spend more, particularly just to make prisoners comfortable.

A safe limit might be reached some day, a point at which temperatures get so high and remain so that it becomes cruel and unusual punishment but we don't think we have come close to hitting that point yet.

Prison isn't supposed to be comfortable. It is (or should be) designed so that it is a miserable experience. The state should not veer from that philosophy.

Having said all that, we can't help but think a decision to buy air conditioning for hogs is a good idea, either.

Probably there is an agricultural reason for this, the hogs grow faster or are bigger, but that would be a best practice. The state doesn't have the money for such extravagances. If that sale can be stopped, uh, cold.

Probably there is a prison expert somewhere who would argue that prisoners should get air conditioning, too.

If prisoners don't get the cooling then swine should not get it, either. These are people who have broken a law, or probably several, but they are still human beings and they are better than hogs.

If air conditioning is a waste of money for prisoners then it is a pure shame for livestock. Change this now.

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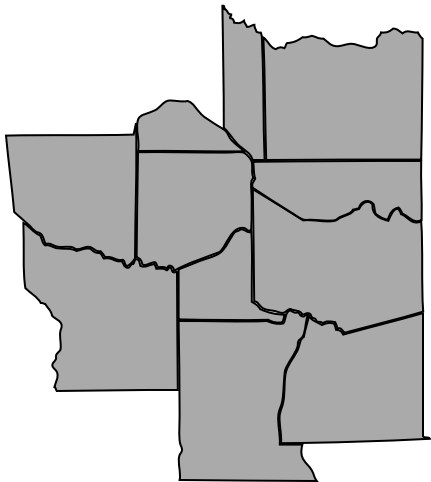
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EDITORIALS JUNE 24, 2014 5:01 PM

# TDCJ takes a small step to address the heat problems in state prisons

## HIGHLIGHTS

The extreme heat inside Texas prison units during the summer — sometimes reaching as high as 115 degrees Fahrenheit — has been an issue for years, with little reaction or show of concern coming from state officials and authorities within the Texas Department of Criminal Justice.

The extreme heat inside Texas prison units during the summer — sometimes reaching as high as 115 degrees Fahrenheit — has been an issue for years, with little reaction or show of concern coming from state officials and authorities within the Texas Department of Criminal Justice.

Contrary to popular belief, the majority of state penitentiaries are not air-conditioned. Of the 109 prison units, housing more than 150,000 inmates, only 19 (medical and special needs facilities) have climate control for prisoners' living areas.

A report by the Human Rights Clinic at The University of Texas School of Law last month documented at least 14 heat-related deaths in the system since 2007.

As a result, several lawsuits have been filed against TDCJ, including one by correctional officers, alleging that conditions inside the mostly metal and concrete prisons violate the constitutional prohibition against cruel and unusual punishment.

Just this month, a federal lawsuit was filed on behalf of four inmates who, among other things, allege that their metal bunks are so hot they sleep on the concrete floors, The Associated Press reported.

This year TDCJ is installing cooling systems in seven units (three transfer facilities and four state jails), but officials are quick to say it has nothing to do with lawsuits or the growing criticism about the heat problem.

The wire service said that the cooling devices are similar to those used on the sidelines of football games played in the heat. Each unit consists of "a large fan inside about 6-foot-by-6-foot box. Water from a hose behind the \$1,800 device flows over coils that cool the air pushed by the fan."

That's not an ideal situation, but it likely offers some relief for prisoners who have access to the cooler air.

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Regardless of why the prison system made that move, it was at least a step in the right direction in addressing a deplorable condition. But it is far from being enough.

It's estimated that it will cost \$55 million to air-condition state prison facilities, an amount the Legislature is not likely to allocate anytime soon.

This ought to be a state priority. If lawmakers don't address it soon, Texas could spend a lot more on lawsuits than air conditioning.

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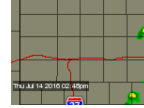
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# Neal & Clements Unit among those without air conditioning in all housing areas

*Published: Wednesday, July 13th 2016, 6:15 pm CDT*

*Updated: Wednesday, July 13th 2016, 6:36 pm CDT*

By Mary Coleman, Reporter

AMARILLO, TX (KFDA) - The extreme heat is getting to local prisoners who have no choice but to try and deal with it.

The average person can freely find relief from the sun by going inside an air conditioned location. But those who are confined behind bars don't have that luxury, making it a health issue for not only inmates, but staff.

There are 109 Texas Department of Criminal Justice facilities across the state. Of those, 30 have air conditioning in all housing areas.

The Neal and Clements Unit here in Amarillo are among those that do not. TDCJ spokesman Jason Clark tells us it should be noted medical, psychiatric and geriatric units are air-conditioned.

He also tells us additional water is provided during extreme heat and outside activity is limited.

But some feel this is not enough.

"The issue is not whether these people are bad or not," says Lawyer Ryan Brown. "They're still humans and they've got some basic rights. And it's illegal for the state of Texas to impose cruel and unusual punishment on inmates."

But it's not just inmates' well being lawyers are concerned about. Prison guards are also having to work in these hot and confined conditions.

A lawsuit was filed in 2014 focusing on inmates in Navasota, Texas having to drink water with high arsenic levels. Brown says this is a prime example of the work that needs to be done.

"The purpose of this lawsuit is not for money, it's to fix the conditions," says Brown. "And we're not talking about putting in an Olympic size wave pool or artificial snow or something. It's to get the temperature below ninety degrees."

Clark says many of TDCJ's facilities were built before the time that air conditioning was commonly installed and retrofitting facilities with AC would be extremely expensive.

But he tells us the well being of staff and offenders is a top priority for the agency and they remain committed to making sure everyone is safe during the heat.

As for those who see this as an issue...Brown says you can do something about it.

"Write your state congressman, they have the powers to push TDCJ to do something about this. There's not a leg session in right now, but there's going to be one coming up in November. I think that's the best thing people can do if they want to do something about this and fix the problem."

---

*Below is a full statement from Texas Department of Criminal Justice Spokesperson Jason Clark. The statement was submitted via e-mail to NewsChannel10's Mary Coleman on Wednesday, July 13:*

The well-being of staff and offenders is a top priority for the agency and we remain committed to making sure that both are safe during the extreme heat.

TDCJ takes precautions to help reduce heat – related illnesses such as providing water and ice to staff and offenders in work and housing areas, restricting offender activity during the hottest parts of the day, and training staff to identify those with heat related illnesses and refer them to medical staff for treatment.

There are 109 TDCJ facilities across the state, of those 30 have air conditioning in all offender housing areas. It should be noted that medical, psychiatric, and geriatric units are air conditioned. All units have some areas that are air conditioned.

Many of TDCJ's facilities were built before the time that air conditioning was commonly installed. Prisons built in the eighties and nineties, which were specifically approved by the federal courts in the Ruiz case, didn't include air conditioning because of the added construction, maintenance and utility costs. Retrofitting facilities with air conditioning would be extremely expensive.

Below are some system wide protocols that units utilize during extreme heat.

- \*Provide additional water; ice is provided if available in the work and housing areas
- \*Restrict outside activity (work hours) in accordance with agency policy
- \*Ensure all staff and offenders working in areas of extreme heat (e.g. field, maintenance, yard squad) are provided frequent water breaks
- \*Transport offenders during the coolest hours of the day
- \*Screen outgoing offenders to ensure the selected mode of transportation is appropriate
- \*Load and unload transfer vehicles as quickly as possible
- \*Offenders are able to access respite areas when needed
- \*Refill water coolers on buses at various times during the trip to maintain water at appropriate temperature
- \*When utilizing fans, air is drawn through the structure and exhausted outside, taking full advantage of the fresh air exchange system or prevailing winds to assist in the movement of air, as applicable
- \*Increase airflow by utilizing blowers, when appropriate, normally used to move hot air in the winter; attach ribbons to vents to ensure blowers are being used appropriately
- \*Allow additional showers for offenders when feasible
- \*Allow offenders to wear shorts in dayrooms and recreational areas
- \*Newly hired officers receive training so they're aware of the signs and treatment of heat – cold related illnesses
- \*All officers carry pocket cards that highlight symptoms of heat – cold related illnesses
- \*All custody levels are allowed fans.
- \*Train employees and offenders so they are aware of the signs and treatment for heat-related illnesses
- \*TDCJ staff and medical providers work closely together to identify offenders susceptible to heat related issues. A list of identified offenders is provided to housing officers who conduct frequent wellness checks on the offenders.

The agency strives to mitigate the impact of temperature extremes. Again, TDCJ is committed to making sure that offenders and staff are safe during the extreme heat.

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